

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ADAM PEZEN, Individually and on Behalf of
All Other Similarly Situated,

Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

CASE NO. 1:15-CV-03484

CLASS ACTION

CARLO LICATA, Individually and on Behalf
of All Other Similarly Situated,

Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

CASE NO. 1:15-CV-04022

CLASS ACTION

NIMESH PATEL, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

CASE NO. 1:15-CV-04265

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER CONSOLIDATING CASES
AND SETTING SCHEDULE FOR CONSOLIDATED COMPLAINT
AND RESPONSIVE PLEADINGS**

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, Plaintiffs Adam Pezen, Carlo Licata and Nimesh Patel (collectively, “Plaintiffs”), and Defendant Facebook, Inc. (“Facebook”), in the related actions titled *Pezen v. Facebook, Inc.*, No. 1:15-cv-03484 (N.D. Ill.) (the “*Pezen* Action”); *Licata v. Facebook, Inc.*, No. 1:15-cv-04022 (N.D. Ill.) (the “*Licata* Action”); and *Patel v. Facebook, Inc.*, No. 1:15-cv-04265 (N.D. Ill.) (the “*Patel* Action”) (collectively, “the Actions”), hereby submit this stipulation and proposed order.

WHEREAS, on April 1, 2015, plaintiff Carlo Licata filed an action in the Circuit Court of Cook County, Illinois County Department, Chancery Division, captioned *Licata v. Facebook, Inc.*, which on or around May 6, 2015, defendant Facebook removed to the United States District Court for the Northern District of Illinois. That case has been assigned Case No. 1:15-cv-04022;

WHEREAS, on April 21, 2015, plaintiff Adam Pezen filed an action captioned *Pezen v. Facebook, Inc.*, Case No. 1:15-cv-03484, in the United States District Court for the Northern District of Illinois;

WHEREAS, on or around May 14, 2015, plaintiff Nimesh Patel filed an action captioned *Patel v. Facebook, Inc.*, Case No. 1:15-cv-04265, in the United States District Court for the Northern District of Illinois;

WHEREAS, on May 21, 2015, this Court entered Orders in the respective cases relating the *Licata*, *Pezen* and *Patel* Actions;

WHEREAS, the related Actions concern the same defendant, and involve substantially similar alleged issues of fact and law, insofar as each of the related Actions alleges claims against Facebook under the Illinois Biometric Information Privacy Act of 2008, 740 ILCS 14/1, *et seq.* (“BIPA”) and seeks to certify a class of plaintiffs pursuant to Fed. R. Civ. P. 23;

WHEREAS, in an effort to avoid unduly burdensome duplication of labor for the Court and the parties, counsel for the parties in the above-captioned actions enter into the instant stipulation and proposed order consolidating the three Actions for all pre-trial proceedings in this Court.

Thus, IT IS HEREBY STIPULATED by the parties, through their counsel of record and subject to the approval of the Court, that:

1. The related Actions are hereby consolidated into one Consolidated Action bearing the case number Civil Action No. 1:15-cv-03484, pending before the Honorable James B. Zagel.

2. The docket in Civil Action No. 1:15-cv-03484 shall constitute the Master Docket for this Consolidated Action. Every pleading filed in the Consolidated Action in the Northern District of Illinois shall bear the following caption:

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

ADAM PEZEN, et al.,)	Master File No. 1:15-CV-3484
)	
Plaintiffs,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
)	
FACEBOOK, INC.)	
)	
Defendant.)	
)	

This Document Relates To:

3. The file in Civil Action No. 1:15-cv-03484 shall constitute a Master File for every action in the Consolidated Action. When the document being filed pertains to all actions, the phrase “All Actions” shall appear immediately after the phrase “This Documents Relates To:.”

When a document applies only to some, not all, of the actions, the document shall list, immediately after the phrase “This Documents Relates To:,” the docket number for each individual action to which the document applies, along with the last name of the first listed plaintiff in said action.

4. All other related actions subsequently filed in, or transferred to, this District shall be consolidated into the Consolidated Action and Master Docket. This Order shall apply to every such action, absent order of the Court.

5. Defendant intends to file a motion to transfer venue to the United States District Court for the Northern of California under 28 U.S.C. §1404(a) pursuant to a forum-selection clause. Plaintiffs in the Actions intend to oppose that motion.

6. Plaintiffs in the Actions have represented that they intend to file a motion seeking appointment of their counsel as Interim Lead Counsel for the putative class following the anticipated consolidation of the Actions. Plaintiffs shall file a Consolidated Complaint within 30 days of the Court’s order on such motion.

7. Defendant shall not be required to answer or otherwise respond to the various initial complaints filed in the Actions or any subsequently filed related action. Defendant shall answer or otherwise respond to the Consolidated Complaint within 30 days after its filing.

8. If Defendant files a motion to dismiss, a motion to strike, or any other motion in response to the Consolidated Complaint, Plaintiffs shall have 30 days to file an opposition thereto, and Defendant shall file its reply papers within 15 days thereafter, unless otherwise agreed upon by the parties subject to Court approval. The parties shall meet and confer

regarding a proposed date for the hearing of any such motion, should the Court grant oral argument.

DATED: June 3, 2015

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Attorneys for Defendant Facebook, Inc.

* * *

ORDER

IT IS SO ORDERED.

DATED: _____

THE HONORABLE JAMES B. ZAGEL
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 3, 2015.

/s/ Shawn A. Williams

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Mailing Information for a Case 1:15-cv-03484 Pezen v. Facebook, Inc.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)